

Law Office of Brian F. Russo
Brian F. Russo, Esq. (018594)
10037 East Dynamite Blvd.
Suite C-101
Scottsdale, AZ 85262
(602) 340-1133 Telephone
bfrusso@att.net Email
Attorney for Defendant Bateman

IN THE UNITED STATES DISTRICT COURT

DISTRCIT OF ARIZONA

United States of America,) Case No.: CR22-08092-001-PCT-SMB
Plaintiff,)
vs.) **MOTION TO CONTINUE SENTENCING**
Samuel Rappylee Bateman,)
Defendant.)

COMES NOW, the Defendant Samuel Rapylee Bateman, by and through Counsel undersigned and hereby moves this Honorable Court for an order continuing the Sentencing on July 15, 2024, for a period of 90 days for the following reasons. As the Court is aware, Counsel only recently took over as Attorney of Record and has been working to prepare for Sentencing. In addition, the PSR was only recently provided to Counsel on June 10, 2024, and is substantial and complex in its analysis.

The Disclosure in this case is more than 5TB of information and involves multiple defendants as well as a volume of information related to the offense conduct and others alleged to be involved. It is not unexpected that in a complex and substantial case like this, a Motion to Continue the First Sentencing date would be filed. In fact, it is likely that prior Counsel would have requested additional time especially considering the lengthy and complex PSR that was disclosed, and the large range of sentencing involved for Mr. Bateman. Further, the Defense only just received the Neuropsychological exam and report conducted by Dr. Baker and has not

1 had sufficient time to review with Mr. Bateman in preparation for the Court's consideration of its
2 analysis and information.

3 Counsel undersigned needs the additional time to reconcile the voluminous disclosure in
4 this case and the PSR in order to determine the appropriate objections and to effectively address
5 the contents therein on behalf of Mr. Bateman. Counsel also needs time to gather information to
6 present to the Court necessary for the Court's consideration in determining the appropriate
7 sentence in this case. All of this simply cannot be accomplished in the less than 35 days from
8 which the Pre-sentence investigation and report were provided and the currently scheduled
9 sentencing date.

10 Further, Counsel recently filed a Motion to Determine Competency based on Counsel's
11 interactions with Mr. Bateman. Counsel also referenced a Neuropsychological Evaluation
12 performed on Mr. Bateman by a defense expert, which supported Counsel's impressions and the
13 basis for that Motion. Given the complexities of the case, the volume of information provided
14 and the question concerning competency, additional time is needed in order for Counsel to
15 effectively represent Mr. Bateman as contemplated by the Sixth Amendment to the United States
16 Constitution.

17 It is expected that excludable delay under 18 U.S.C. § 3161(h)(1)(A) and (h)(8)(A) will
18 occur as a result of this motion or from any order based thereon.

19
20 DATED this 2nd day of July, 2024.

21
22 */s/Brian F. Russo* _____
23 Brian F. Russo
24 Attorney for Defendant
25

1 CERTIFICATE OF SERVICE

2 I hereby certify that on this date, I electronically transmitted the attached document to the Clerk's
3 Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the
following CM/ECF registrant:

4 Ryan Powell, AUSA
5 Dimitra Sampson, AUSA

6 /s/Brian F. Russo